

Ryan J. Villa
5501 Eagle Rock Ave NE, Ste C2
Albuquerque, NM 87113
(505) 639-5709
ryan@rjvlawfirm.com

Andrea Lee Luem
400 South Fourth Street, Ste 500
Las Vegas, NV 89101
(702) 575-0481
andrea@luemlaw.com

Attorneys for Defendant,
KENNETH JOHNSON

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

KENNETH JOHNSON,

Defendant.

Criminal case No. 20-CR-238-JLT-SKO

**DEFENDANT KENNETH JOHNSON'S
AND FRANCIS CLEMENT'S NOTICE
OF INTENT TO OFFER EXPERT
WITNESS TESTIMONY**

Date: January 14, 2025

Time: 8:00 a.m.

Place: Honorable Jennifer L. Thurston

Defendant Kenneth Johnson, through counsel Ryan J. Villa and Andrea Luem, joined by Mr. Clement, through counsel, respectfully notifies the Court and counsel for the United States of his intent to offer the expert witness testimony in his case-in-chief pursuant to Fed. R. Crim. P. 16(b)(1)(C) and Federal Rule of Evidence 702, 703, and 705 and submits that this evidence is relevant to the issues being tried and will assist the jury in understanding the evidence and determining facts in issue. Defendants intends to offer at trial the expert witness testimony of Robert Ayers, Dr. Jeffrey Neuschatz, Brian Chase, Natasha Powers-Marakis, and Angela Malley.

- 1 1. Robert Ayers. Mr. Ayers is a prison expert. Mr. Ayers qualifications, testimony list
2 and opinions are outlined in a report provided to the United States on November 15,
3 2024.
- 4 2. Dr. Jeffrey Neuschatz. Dr. Neuschatz is a psychologist and Distinguished Professor at
5 the University of Alabama Huntsville. Dr. Neuschatz will provide opinion testimony
6 concerning the government's cooperating witnesses. He has studied and conducted
7 research on the prototypical cooperating witness/informant, the persuasive power of
8 confession evidence, and false informant testimony. His research has found that it is
9 difficult to determine the veracity of cooperating witness statements, and their
10 confession evidence has the potential to taint remaining evidence. Dr. Nueschatz will
11 testify to these subjects generally and that based on his research, studies and expertise
12 and review of relevant discovery in this case, the government's cooperating witnesses
13 are prototypical cooperating witnesses. His report, CV and testimony list has been
14 provided to the United States concurrent to the filing of this Notice.
15
- 16 3. Brian Chase. Mr. Chase is a computer and cell phone forensic expert. He has obtained
17 and preserved data from an account associated with a witness in this case. A declaration
18 dated November 19, 2024, prepared by Mr. Chase concerning this data was produced
19 to the government as Bates 0031-33. He can testify as to how he obtained and preserved
20 the data, that the data is accurate, and which social media account it came from. He
21 may also be called to rebut any testimony or evidence from any witness concerning cell
22 phone data that was obtained from the various phones in this case. His report, CV and
23 testimony list has been provided to the United States concurrent to the filing of this
24 Notice
25
26
27

- 1 4. Natasha Powers-Marakis. Ms. Powers-Marakis is a crime scene expert. She will testify
2 concerning the crime scene investigation done for the Lomita and Pomona homicides.
3 Her CV and testimony list is being provided to the United States concurrent to the filing
4 of this Notice.
- 5 5. Angela Malley. Ms. Malley is a forensic video expert. She will testify about an
6 examination of a video received from a witness in this case. Ms. Malley's CV and
7 testimony list is being provided to the United States concurrent with the filing of this
8 Notice. The video as received by the defense had a file name of "MOV_3202.mov."
9 The video was disclosed to the government as Bates 0020 Ring Video. In examining
10 the video, Ms. Malley did not locate any signs of alteration, but it is possible more
11 testing could be done if additional information becomes available on how the video
12 was created and transferred. She concluded that visually it appears to be a screen
13 recording created by an Apple iPhone or potentially iPad. Ms. Malley created some test
14 recordings for comparison with her own iPhone (iPhone 15 Pro). There were some
15 differences between the evidence file and the test recordings created directly on the
16 iPhone including format, size (height/width) and video frame rate. Ms. Malley created
17 test recordings using QuickTime on a Mac with my iPhone connected, which appeared
18 more similar as far as format and structure of the file. The size (height/width) and frame
19 rate were still much lower in the evidence file, but this could potentially be due to how
20 it was transferred after creation, another version of QuickTime, or another model
21 iPhone. Ms. Valley did not locate any evidence of a video editing tool within the
22 metadata or hex data of the evidence file. If more information becomes available about
23 how this file was created and transferred, then she could do additional testing to see if
24
25
26
27

1 a file created and transferred in that way is consistent with the evidence file. Because
2 this is a screen recording of a video, Ms. Malley cannot attest to the content or validity
3 of the video that appears to be playing in the Ring application. She can only review for
4 alterations to the screen recording.

5 Messrs. Johnson and Clement respectfully reserves the right to offer additional testimony
6 by the disclosed experts and for them to amend, adjust, or supplement their opinions and bases
7 for those opinions due to information made known to them before or during the trial, including
8 witness testimony.
9

10 Respectfully submitted,

11 /s/ Ryan J. Villa
12 Ryan J. Villa
13 5501 Eagle Rock Ave NE, Suite C2
14 Albuquerque, NM 87113
15 (505) 639-5709
16 ryan@rjvlawfirm.com

17 /s/ Andrea Lee Luem
18 Andrea Lee Luem
19 400 South Fourth Street, Ste 500
20 Las Vegas, NV 89101
21 (702) 575-0481
22 andrea@luemlaw.com

23 **CERTIFICATE OF SERVICE**

24 I hereby certify that on this 29th day of November, 2024, I served a true and correct copy
25 of the foregoing via ECF to:

26 All counsel of record

27 /s/ Andrea Luem
Andrea L. Luem